



APA-2  
6/93

**ALABAMA STATE BOARD  
OF MEDICAL EXAMINERS**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama State Board of Medical Examiners

**RULE NO. & TITLE:** Chapter 540-X-8-.26, Limitations upon Utilization of Certified Nurse Midwives

**INTENDED ACTION:** To amend the rule

**SUBSTANCE OF PROPOSED ACTION:** To amend the rule to increase the number of physician extenders a physician may collaborative with or supervise and to provide for a transitional allowance increasing the total weekly hours

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** All interested persons may submit data, views, or arguments concerning the proposed new rule(s) orally or in writing to: Patricia E. Shaner, General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, Montgomery, Alabama 36101-0946, by mail or in person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, until and including Friday, April 3, 2015. Persons wishing to obtain copies of the text of this rule and submit data, views, or comments or arguments orally should contact Patricia E. Shaner, by telephone (334-242-4116) during said period in order to set up an appointment for a hearing respecting such oral data, views, or arguments.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** April 3, 2015

**CONTACT PERSON AT AGENCY:** Patricia E. Shaner



---

Larry D. Dixon, Executive Director

540-X-8-.26 Limitations upon Utilization of Certified Nurse Midwives.

(1) A physician may enter into a collaborative agreement with certified nurse midwives not exceeding ~~three full-time equivalent positions/four persons~~ a cumulative one hundred and sixty (160) hours (four FTEs) per week. The total number of persons supervised or in collaborative practice with a physician shall not exceed one hundred and sixty (160) hours per week (four ~~three full-time equivalent positions~~ as stipulated in Rule 540-X-8-.4618.

(2) Employees of the Alabama Department of Public Health and county board of health are specifically exempt from the requirements of paragraph (1) of this rule.

(3) A physician in collaborative practice may request approval for additional full-time certified nurse midwife positions by the Joint Committee, with consideration given to the following factors to insure that an acceptable standard of care is rendered:

- (a) Availability of the physician.
- (b) Practice settings and staffing needs for extended hours of service.
- (c) Risk to patients.
- (d) Educational preparation, specialty and experience of the parties in the collaborative practice.
- (e) Complexity and risk of procedures to be performed.

(4) A physician in collaboration with CRNP, CNM or supervising Physician Assistant personnel totaling 160 hours per week (four (4) FTEs) may request a transitional allowance increasing the total weekly hours for the purpose of orientation of the incoming CNM. The transitional allowance shall not exceed 45 days. The physician shall request the transitional allowance in writing and specify the starting date

| for this FTE allowance.

**Author:** Alabama Board of Medical Examiners.

**Statutory Authority:** Code of Alabama 1975, as amended, §§ 34-24-53 and 34-21-87.

**History:** This new Chapter 8 - Advanced Practice Nurses: Collaborative Practice replaces Chapter 8 - Nurse Midwives. This chapter is being filed as a joint by the Alabama Board of Nursing and the Alabama Board of Medical Examiners. Amended/Approved For Publication: March 20, 1996.

Approved/Adopted: June 19, 1996. Effective Date: July 25, 1996.

Amended/Approved for Publication: May 21, 2003. Approved/Adopted: August 20, 2003. Effective Date: September 30, 2003. Amended/Approved for Publication: February 18, 2015.